

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION and DENYING PLAINTIFF'S MOTION TO TRANSFER**

The pro se plaintiff, Larry G. Philpot, filed a Complaint for copyright infringement against the defendant, 420 Magazine, Inc. Plaintiff filed a Motion for Clerk's Entry of Default, Defendant filed a Motion to Dismiss for Lack of Jurisdiction and, after the Motion to Dismiss was fully briefed, Plaintiff filed a Motion for Rule 11 Sanctions against Defendant and its counsel. These motions were referred to the Magistrate Judge who recommended that the court grant Defendant's Motion to Dismiss; deny Plaintiff's Motion for Entry of Default; and deny Plaintiff's First Motion for Rule 11 Sanctions.

The court, having read and reviewed the same, hereby **ADOPTS** the Magistrate Judge's report and recommendation (Filing No. 22). Accordingly, Defendant's Motion to Dismiss is **GRANTED** without prejudice (Filing No. 9); Plaintiff's Motion for Entry of Default is **DENIED** (Filing No. 8); and Plaintiff's First Motion for Rule 11 Sanctions is **DENIED** (Filing No. 16).

Following the Magistrate Judge's Report and Recommendation, the Plaintiff filed a Motion to Transfer Venue to the Central District of California. Given the court's ruling on Defendant's Motion to Dismiss, Plaintiff's Motion to Transfer (Filing No. 24) is **DENIED as MOOT**. Plaintiff may refile his action against the Defendant in the Central District of California.

SO ORDERED this 6th day of May 2015.



RICHARD L. YOUNG, CHIEF JUDGE
United States District Court
Southern District of Indiana

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